

**BEFORE THE
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

In The Matter Of:

EXPRESS FREIGHT, INC.,

Respondent.

**Docket No. FMCSA-2009-0084¹
(Western Service Center)**

ORDER DISMISSING PROCEEDING AND CLOSING DOCKET

On April 6, 2009, the Field Administrator for the Federal Motor Carrier Safety Administration's Western Service Center (Claimant) submitted a Notice of Settlement and Motion to Terminate Proceedings and Close Docket. Claimant and Respondent entered into a Settlement Agreement which resolves the matters at issue here.

Under the Settlement Agreement, which was executed on April 3, 2009, and adopted as a Final Order,² Respondent agreed to pay \$2,190 in 12 monthly payments, with \$2,190 of the original civil penalty amount being suspended, conditioned upon: (1) Respondent not committing any critical or acute violations in 49 CFR Part 395 within 2 years from the execution of the Agreement; and (2) Respondent paying the non-suspended portion of the civil penalty in accordance with the terms of the Agreement.³ The settlement is in the public interest, and, accordingly, it is accepted.⁴

THEREFORE, *It Is Hereby Ordered*, the Settlement Agreement is the Final Order

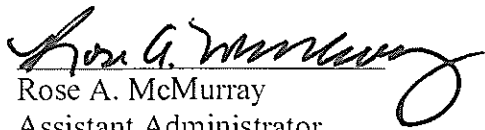
¹ The prior case number was CA-2009-0164-US1191.

² Settlement Agreement, Section 8.

³ The Notice of Claim proposed a civil penalty of \$4,380.

⁴ See 49 CFR 386.22.

in this matter, the proceeding is dismissed, and the docket is closed.



Rose A. McMurray
Assistant Administrator
Federal Motor Carrier Safety Administration

5-21-09
Date

CERTIFICATE OF SERVICE

This is to certify that on this 22 day of May, 2009, the undersigned mailed or delivered, as specified, the designated number of copies of the foregoing document to the persons listed below.

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